

**Glenda Wiles**

**From:** Chuck Buchanan [cbucksguns@yahoo.com]  
**Sent:** Wednesday, January 21, 2009 3:49 PM  
**To:** Glenda Wiles; Randy Fifrick  
**Subject:** Response to Mr. Poindexter's Memorandum to the Commissioners dated Dec 8, 2008

Dear Commissioners,

This memo is in response to some of the misinformation stated in Mr Poindexter's letter. From the outset I would like to state that our purpose in trying to offer our opinions about Rivers Edge II is not to stop development. The purpose is to make the commissioners and developers aware of the planned access problems and push for an access change to Old Eastside Highway.

Mr. Poindexter has pointed out that the discussion should only be about Rivers Edge II (REII) and not Rivers Edge I (REI). However some discussion of REI is pertinent in understanding to avoid similar problems in REII. Certainly access through REI is pertinent.

I would like to point out some of the problems I find in Mr. Poindexters letter. It's possible they may be due to his "lack of information and/or misunderstanding".

I don't think that a gravel bar is " serving as nature's rip-rap". It seems to me that rip-rap is designed to absorb the river's energy and the effect of the water on the bank of the river. A gravel bar is merely the effect of the energy of the water and is constantly changing. This constant flux is dependant on the change of the river's course and river's energy and can't be depended on to prevent river erosion of the bank.

Secondly, the direction of river migration. He states that the river is migrating to the west. I disagree. Since we have moved here in June the river has changed course. The former bend in the river has disappeared and the result is that the river moved in an easterly direction. Additionally, if one studies the west side of the river bottom vegetation, it seems evident that the river has been moving in an easterly direction for many years. Closest to the river is mostly grasses and low shrub, further away there are bushes which are higher, further back are young trees, and behind those are more mature trees. So one can see a progression of vegetative growth which is indicative of river migration to the east.

Thirdly, Mr. Poindexter addresses the letter from Mrs. Constanzo. In fact the letter was from six homeowners in REI, who, I might add, actually live there.

Fourthly, the issue of a \$35,000 discount in price for Lots 1 and 2 due to the fact that there was going to be an access road to REII between their homes. Mrs. Constanzo addresses this subject at some length in her second letter and provides proof that there was no such discount based on lot prices .

Next, the number of children in REI and estimate of number of children in REII. Mr. Poindexter states the there are 7 children in REI. Let's set the record straight- at present there are 10 children and, by next week, there should be 11. Furthermore to suggest that there will only be 2 or 3 children in REII is totally without basis. The average family in the US has 2.3 children. Doing the math suggests that there will be 20.7 children in REII based on 9 homes. So now we are talking more realistically about 31.7 children going to school each morning who will have to deal with traffic walking to and from the school bus each day. And the traffic will not only be people who live there but all of the REII construction traffic as well.

1/21/2009

Next, the owner of Lot 2 is "the only owner in my records that has refused to follow the Rivers Edge I Covenants" as stated by Mr. Poindexter. There may be only one infraction of the covenants "in your records". It only takes a short drive around REI to show that there are many infractions concerning the covenants which have not been addressed by the Architectural Control Committee. So, to give an example, let me address one home which stands out as having covenant problems. It happens to be the house across the street- Lot 6. When we moved in I noticed a large pile of dirt which blew all over the place and a yard full of tall noxious weeds which needed to be mowed. I asked a neighbor if there was something we could do about the dust. He said he had talked to the owner of Lot 6 and nothing had been done. A call had been placed to the state office and they came out and evaluated the problem. Shortly thereafter the pile of dirt was wetted down and the blowing dust stopped. However when it dried out it reverted back the the blowing dust problem. Later in the summer the weeds in the yard were mowed, except those around the house. It still looked unsightly. My wife caught up with the owner at one of the hearings concerning REII and convinced him that he should maintain the whole yard including that part close to his house, and it might improve the appearance since the house was still for sale. As the owner has stated before the commission , he is the owner of the house, and we would expect him to abide by the covenants. Eventually, the weeds around the house were cut down. We hope in the future that the covenants would be adhered to and that the owner would put in underground sprinklers and landscaping which is required by the covenants. The important point that should not be omitted here is that the owner is one of three members on the Architectural Control Committee and one of the developers of REII. Needless to say this is a good example of the double standard of enforcement of the covenants. So to single out one person as the only violator of the covenants is untrue. Just because a person writes a letter to the commission expressing his opinion doesn't call for a personal attack by Mr. Poindexter.

Next, adresssing the snow removal costs of the shared roadway by REI and REII residents. Snow removal, as well as road maintenance issues (repair, resurfacing, etc), is of paramount concern to REI residents. We have scen no evidence of any legal paperwork insuring that this issue has been resolved by the developers of REII. We would like this issue to be addressed and agreed upon.

Perhaps if our issues would be addressed, as they should have been from the outset, this development would have moved along more smoothly. When Mr. Poindexter totally discredits any of our concerns and goes out of his way to try to "spin" many of the facts, he has personally created ill-will among many of the residents of REI. When he states that it's the old "I've got mine, you don't need yours syndrome", he's waved the red flag in front of the bull, so to speak. Every resident homeowner that has read his letter objects to that statement. Let me state emphatically that this is not and never has been our philosophy and we stenuously object to this accusation. Our purpose was always, and continues to be, concern over the proposed access to REII. In summary, we have addressed our concerns regarding access to REII through REI. Because of these concerns we would like the entrance of REII to be moved to Old Eastside Highway. Thank you for your consideration.

Respectfully

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